

Application No. 09/941,151
Amendment and Response dated January 27, 2006
RCE Filed Herewith

Remarks

In the Advisory Action dated January 23, 2006, the examiner entered applicants' amendment after final rejection for purposes of appeal, and reconsidered applicant's argument. This resulted in removal of the claim objection and withdrawal of the rejection under 35 U.S.C. §112, first paragraph, but did not allow the claims over the cited art. Applicant is filing this RCE in the belief that reconsideration of the rejections and submission of new claims, with the aid of interview if necessary, will be more efficient than an appeal at this time. Accordingly, an appointment for an interview is respectfully requested.

The amended claims submitted herewith are patentable over the art of record. The rejections stated in the final office action, as discussed in the last advisory action, are inapplicable to the new claims for the following reasons:

* * *

The examiner states, under *Response to Arguments* in the final rejection, that "teaching of 'observation of the image' [referring to Chisti et al, U.S. Patent No. 5,975,893, column 5, lines 25-67] is in fact the same as viewing the displayed images". In the advisory action, the examiner explains that applicants' claims are being interpreted as reading on Chisti et al., which is regarded as teaching "manipulating digital data set representing an initial tooth arrangement leading to digital data set representing a final tooth arrangement including feedback or changes by the user at the computer or workstation having suitable graphical user interface and software appropriate for viewing and modifying the images (columns 9-15)."

The new claims make it clear that applicants' are not claiming what Chisti et al. teach.

Chisti is cited as addressing a situation in which have a patient's teeth start in initial, maloccluded, untreated positions and digital data of the teeth are generated which includes data of the shapes of the teeth. Chisti provides a virtual repositioning of the teeth in a computer followed by providing images of the teeth of the patient for display in positions that the teeth would occupy as so repositioned following treatment with an appliance. In Chisti's case, the displayed positions and orientations are final positions of the treatment. In summary, Chisti has displayed teeth *before* virtual repositioning, and again after virtual repositioning to *final* positions when all changes are complete.

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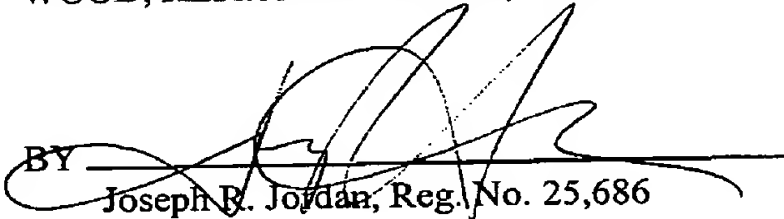
In applicants' case, the positions of the teeth after repositioning are suggested positions and orientations that are displayed for the purpose of receiving feedback information indicating, for example, either approval of suggested positions and orientations or that further changes are needed. Chisti fails to teach receiving feedback information *after* the teeth are virtually repositioned in suggested post-treatment positions and displayed as so repositioned.

Applicants submit that the new claims 120-128 clarify the above distinction and are patentable over the cited prior art.

Applicants enclose a Petition for Extension of Time, which includes authorization to charge deposit account No. 23-3000 in the amount of \$330. The RCE Transmittal includes authorization to charge deposit account No. 23-3000 in the amount of \$790. Applicants believe that no other fees are due in connection with this submission. However, if an additional extension is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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